

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

**DOUGLAS BERGMANN, on behalf of himself §  
and all others similarly situated, §**

**Plaintiff, §**

**vs. §**

**SWIRE OILFIELD SERVICES, L.L.C., §**

**Defendant. §**

**CIVIL ACTION NO: 5:13-cv-989**

**JOINT MOTION FOR APPROVAL OF COLLECTIVE  
ACTION SETTLEMENT AND DISMISSAL**

COMES NOW Representative Plaintiff Douglas Bergmann (“Representative Plaintiff”), on behalf of himself and others similarly situated (collectively “Plaintiffs”), and Defendant Swire Oilfield Services, L.L.C. ( “Defendant”), and file this Joint Motion for Approval of Collective Action Settlement and Dismissal and show the Court as follows:

1. Douglas Bergmann brought this suit on behalf of himself and others similarly situated. The Court conditionally certified this case as a collective action, and a total of 62 additional class members filed consent forms to join this case.<sup>1</sup>

2. Following an exchange of formal and informal written discovery requests and documents, depositions, and information settlement discussions, the parties reached a settlement at mediation on June 25, 2014.

3. The terms of the settlement have been approved by representative plaintiff Bergmann, who was designated as the collective action representative by each of the opt-in plaintiffs by their signatures on the court-approved Consent to Join forms filed with the Court on

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<sup>1</sup> One opt-in Plaintiff, Bradley Willard, has elected to opt-out of the settlement. A Notice of Withdrawal of Opt-in Consent was filed on his behalf.

behalf of each opt-in plaintiff.

4. The parties submit this motion for approval of the settlement reached as a result of arm's length negotiations between the parties.<sup>2</sup>

5. The settlement reflects a reasonable compromise of issues actually in dispute, the settlement was reached in an adversarial context in which the Plaintiffs were represented by competent and experienced counsel, and the totality of the proposed settlement is fair and reasonable.

6. The parties stipulate that payment of the above mentioned settlement amount will be tendered by Defendant within thirty (30) days of Court approval of the Joint Motion for Approval of Collective Action Settlement and Dismissal.

WHEREFORE PREMISES CONSIDERED, the parties pray that the Court grant this Motion and dismisses this lawsuit with prejudice.

Respectfully Submitted:

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By: /s/ Jeremi K. Young  
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<sup>2</sup> This Court's approval of the parties' settlement for Plaintiffs' FLSA claims may not be necessary; however, out of an abundance of caution, the parties ask for the Court's approval. *See Martinez v. Bohls Bearing Equip. Co.*, 361 F. Supp. 2d 608 (W.D.Tex. 2005).

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